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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-203

8 May 1980

MEMORANDUM FOR: Chairman, DCI Security Committee

VIA: Executive Secretary, DCI Security Committee

FROM: [redacted] STAT
Security Committee Staff

SUBJECT: SCC/CIWG Tasking, National Clearance/ Investigative Policy for the Entire Government

1. The Chairman of the Security Committee appeared before the SCC/Counterintelligence Working Group on 5 February 1980, reporting on Differing Personnel Security Clearance/Investigative Standards Within the Intelligence Community. As a result of this report, the SCC/CIWG tasked the Security Committee Staff as follows:

Action:

The Security Committee Staff, acting for the SCC/CIWG, will study the problem of differing personnel security clearance/investigative standards from a government-wide viewpoint, not limited to the Intelligence Community. It will make recommendations for a national clearance/investigative standards policy for the entire government. Target date for submission to the Chairman, SCC/CIWG: 15 June 1980.

2. Attached hereto is a draft of a study (Tab A) of the differing clearance/investigative standards found throughout the government and a recommendation for a standard policy for the entire government. The recommendation would cover, (1) access to all forms and levels of classified information; and (2) a standard for civilian employment by the United States Government.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

3. The first part of the recommendation would be accomplished by addition of an Annex to E.O. 12065 (Tab B) providing for criteria and investigative standards for all classified information. The second part is an appropriately revised version of the August 1977 Civil Service Commission's draft of a replacement Executive Order for E.O. 10450 (Tab C).

4. It is intended that the attached study and recommendations would serve to fulfill the tasking of the SCC/CIWG. Prior to submitting it to the SCC/CIWG, it would be well to forward information copies to the members of the Working Group, asking them for any comments they might wish to make. This would allow for an advance reading of the stand each organization would take towards this proposal.

5. The first step to be taken would be to send the study and recommendations to the SA/DCI/CI for his review, and to determine that it meets the tasking levied upon the Security Committee Staff.

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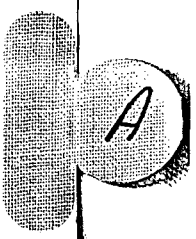

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PROPOSED NATIONAL CLEARANCE/INVESTIGATIVE POLICY

Executive Order (EO) 10450 dated 27 April 1953 was established and designed to be the standard against which (civilian) employment in the Federal Government would be measured and gauged. The qualities required of the Federal employee are reliability, trustworthiness, good conduct and character, and unswerving loyalty to the United States.

In order to measure these qualities, the EO established two levels of investigation based upon the sensitivity of the position to be occupied by the individual. If the position had the potential for having a material adverse effect on national security, the position was to be designated as being a sensitive position. Such designation required that the candidate for employment be the subject of a full field investigation. The alternate was a non-sensitive position which required an investigation including national agency checks and written inquiries to appropriate law enforcement agencies, former employers and supervisors, references, and schools attended by the applicant for such position.

In the application of EO 10450, the first and foremost factor in making the determination between a sensitive and non-sensitive position was the degree of access to classified material. Access to Top Secret material was considered to place the position in the sensitive category but classification per se was not mentioned or defined in EO 10450. Also, there was an accepted standard that originated with EO 10450 for defining the full field investigation. While the EO applied only to civilian employment, the standard full field investigation extended even to the military when a Top Secret clearance was required.

The standard then developed for the full field was an investigation of the most recent 15 years of the individual's life or investigation from age 18 whichever was the shorter period. The selection of a 15-year period of coverage was based upon the historical event of the German/Soviet nonaggression treaty of 1938 which caused the Community Party of the United States to switch the "party line" 180 degrees in its attitude towards the Nazi government of Germany. This change in "party line" made a similarly observable change in 1940 with the invasion of the Soviet Union by the Germans. Since the period of the early 1950's was high-

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

lighted by an aggressive effort to purge any and all communists from federal employment, it was considered necessary for an investigation to extend back in time,at least 1938,to determine the political affiliations of the individual during that 1938-1940 period deemed to be critical. Since EO 10450 was promulgated in 1953, coverage back to 1938 amounted to 15 years which then became accepted as the standard for a full field investigation by all of the investigative agencies.

The 15 year background investigation remained the standard period of coverage until 1968. It was accepted as the required investigative period of coverage for the first Director of Central Intelligence Directive 1/14 which was formulated in 1966-67 as the personnel security standard for access to compartmented information. The erosion of this standard first occurred in 1968, when the Civil Service Commission (since renamed the Office of Personnel Management - OPM) changed the ground rules for EO 10450 full field investigations from a 15-year period of coverage down to a 5-year period of coverage. It was termed as an investigation covering the individual's life with emphasis on his background and activities during the most recent 15 years or since his 18th birthday, whichever is shorter. Particularly intensive coverage is obtained for the last five year period. That meant that it was a basic 5-year period of coverage with some record sources such as police and military service extending back beyond the 5 year period. Such coverage was expanded time wise when material derogatory matters were developed which required investigation. The reasons for the change were based on budgetary and resource constrictions. Also at this time, sensitive positions were further defined as being either critical or non-critical sensitive with only the critical sensitive positions requiring the newly defined five year full field investigation.

In 1976, the State Department and the Department of Defense reduced the basic period of coverage of their background investigations. State Department's full field went from 15 years of coverage down to a seven year period of coverage. Their investigation serves as the basis for applicant screening under EO 10450 as well as the granting of a Top Secret clearance. The stated reason for the reduction in the period of coverage was to reduce the case processing time. DoD reduced the period of coverage from 15 years down to 5 years. For both Departments the last institution of higher learning as well as military service records were checked without regard to the abbreviated period of coverage. The DoD also instituted at this time, an entirely new criteria for granting the Top Secret clearances to military personnel. This consisted of a favorably completed National Agency Check (NAC) plus 10 year

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

continuous honorable active duty. This criteria remained in effect until December 1979 when the (5 year) background investigation was made the minimum requirement for a Top Secret clearance in the DoD. The DoD investigative organization, the Defense Investigative Service (DIS) also conducts a special background investigation (SBI) which meets DCID 1/14 requirements for access to SCI as well as for certain other highly sensitive assignments such as Presidential Support Activities.

The Central Intelligence Agency (CIA) has continuously held to a background investigation of 15 years or investigation since age 17, whichever is shorter. This investigative coverage is augmented by a polygraph examination which serves the applicant security screening process as well as the basis for granting a Top Secret clearance and an SCI access approval when required. The National Security Agency (NSA) has personnel security requirements substantially the same as the CIA. The processing is different in that the polygraph examination precedes the investigation which is an SBI conducted by DIS.

The FBI background investigation for personnel security screening has remained substantially unchanged over the years and basically covers the "entire adult life" of the individual. The FBI does not routinely employ the polygraph examination as part of its applicant processing but does reserve its use for those instances where other means of investigation have not produced the information required. This "last resort" type use of the polygraph for applicant/clearance cases has also been adopted by the Treasury Department for use on cases related to the intelligence functions of the Department.

Other Departments and Agencies of the Federal government which conduct EO 10450 applicant investigations or investigations for security clearances such as the Treasury Department or the Postal Service have patterned their coverage after that of the OPM 5 year background investigation.

Attached are graphs showing the scope of the investigations conducted by the various agencies. As can be seen, the standard 15 year background investigation which originated in the early 1950's with EO 10450 has been considerably changed. In addition to the period of coverage, further change has been made in the various requirements for coverage of places of residence, verification of birth, numbers of references, etc. Legislative changes have

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

also effected the investigation in the type and amount of data available from NACs, particularly the FBI, as well as credit and police checks, and have made it necessary to obtain release forms in order to have access to personal information from educational,employment and medical sources.

The effect of these changes over the years in the amount of coverage in the full field or background investigation,if measured solely in terms of EO 10450 eligibility for occupying a sensitive position,would be acceptable since the individual agency or department head determines that the scope of the investigation is sufficient for his own sensitive positions. The difficulty enters when inter-agency or inter-departmental exchanges of data or material are considered. The degree of access to the sensitive (classified) data or material which is exchanged may be based on standards considerably different from those of the agency that originated the data or material. The same is true of certifications for visits between agencies or departments. This could mean that two persons from different organizations would have access to material classified Top Secret, the first being cleared on the basis of a 15 year background investigation plus polygraph, while the second received a clearance based upon 10 years honorable service plus a NAC. The degree of security assurance in such an extreme example does not appear to be equitable.

This situation becomes particularly acute in the dissemination of national foreign intelligence as defined in EO 12036. The Director of Central Intelligence is charged with the protection of national foreign intelligence (NFI) and has addressed this responsibility only partially by setting standard for only that which is identified as Sensitive Compartmented Information(SCI). DCID 1/14 establishes positive minimum standards for access which pertains to civilian and military alike. The only exceptions are for "elected officials of the United States Government, federal judges and those individuals for whom the DCI makes a specific exception."

Other than SCI, national foreign intelligence at standard levels of classification (NFI/SLC) receives protection only to the personnel security standards of the organization which is the recipient of the NFI/SLC. This situation came into focus in early 1979 when the NFIB Working Group on Compartmentation appointed a panel to review the security standards for personnel clearances. The NFIB Working Group was concerned over the vast amounts of

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

formerly compartmented material which would be released as NFI/SLC when the APEX Special Access Control System came into being. The differences in personnel security standards in government were recognized and it was considered necessary to make recommendations to enhance those standards for access to NFI/SLC.

The panel concluded that the minimum acceptable personnel security standard was a 5 year background investigation along the lines of that conducted by OPM or DoD. It was found that such requirement would have only marginal impact on organizations receiving NFI/SLC other than the DoD. The other Departments and Agencies acting under EO 10450 designated nearly, if not all, positions which would receive NFI/SLC as being critical-sensitive and thus would meet the minimum standard of a 5 year BI. With the military personnel as well as the contractors' personnel associated with DoD, neither of whom are included under EO 10450, the situation is quite different for two reasons. First, due to their vast numbers and the fact that they are cleared only to the level necessary for access, the cost of conducting 5 year background investigations for all having access to NFI/SLC at the Secret level, was found to be prohibitive. Secondly, to keep NFI/SLC separate from other classified material would require separate facilities for receiving, handling, storing and transmitting it which, in effect, would be the creation of still another compartmented system. The creation of another compartmented system was not intended and this plus the high cost factor of the numerous BI's,brought an end to the discussion of raising the personnel security standards for NFI/SLC.

There have been studies of the EO 10450 question having as an objective modernizing, updating, and standardizing its application to the Federal Government. To the present time such studies have been without success in accomplishing their objective. Among such studies was the Domestic Council Committee on the Right to Privacy, Project 10 which went through draft after draft of proposed revisions of EO 10450. The complexities of the Federal employment system gave rise to a continual series of objections and proposals for modifications to meet specific situations which in turn gave rise to still other objections. The Project 10 final draft of the proposed revision specified the positions of special trust which were defined as 1) having access to Top Secret, 2) having access to SCI, 3) access to information revealing intelligence sources and methods, and 4) any classified information controlled by special access procedures would be subject to a full field investigation emphasizing the most

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

recent five year period. This draft was submitted to OMB and caused the DCI to register a strong objection to infringement on his charge to protect intelligence sources and methods as well as limitations on his termination authorities both of which are based upon statutory responsibilities. This resulted in still another drafting of the proposed EO by the Civil Service Commission which exempted the Intelligence Community. This draft was forwarded to OMB in August 1977 and since has remained dormant.

Still other studies have been conducted on security clearance or personnel security procedures either by or for Congressional Committees. Among these are the series of GAO reports to the House Committee on Government Operations in 1974, 1977 and 1979 which emphasized the constraints new legislative and court decisions have had on EO 10450 and the need for a single consolidated piece of legislation which would be the authority for all personnel security investigations and adjudications in government. A secondary objective was the equitable treatment of applicants and employees in the investigative and adjudicative process. The underlying thrust which came to the forefront in the 1979 report titled Costs of Federal Personnel Security Investigations Could and Should Be Cut, was the need for reducing the numbers, scope and costs involved in investigations and security processing under EO 10450. This was to be accomplished by more explicite definitions of the sensitivity of each Federal position as judged by the agency heads and centralizing and standardizing all phases of the personnel security processing to achieve the most cost efficient operation.

The Oversight Subcommittees Staff Report to the House Permanent Select Committee on Intelligence (HPSCI) in September 1979, studied the security clearance procedures used by CIA, NSA, State and the DoD intelligence related organizations, particularly as the pertain to the screening of applicants for access to SCI. The report concluded that the screening process cannot presently meet uniform high standards and that the divergencies in their screening techniques have become excessive. Factors contributing to the conclusions are:

- "Although the Director of Central Intelligence (DCI) is in theory (and in law) generally responsible for protecting intelligence sources and methods, this function is in fact diffused among a number of agencies.

- Clearance procedures and philosophies differ widely among, and sometimes even within these agencies. There are, for example, major variations in the use of and attitudes towards the polygraph.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

• Cuts in manpower have placed pressure on investigative procedure and standards, and put a premium on efficient procedure and organization.

• Investigative branches report increasing difficulty in compiling adequate data bases from the FBI and other sources. A major problem appears to be inadequate access to criminal justice records."

The HPSCI report found two areas where there was need for improvement in the way security screening is carried out: the need for greater uniformity in investigative procedures and standards; and the need for improved access to pertinent information. The recommendations of the HPSCI report are summarized as follows:

1. Establish standards for access to TOP SECRET and SCI which would be substantially the same, i.e., investigation to DCID 1/14 standards.

2. Establish standards for searching out and reporting of both positive and negative data in order to have an effective screening process.

3. Recommended conducting a study to validate the accuracy of the polygraph as used in the security screening process.

4. Establish an Intelligence Community-wide criteria for use of the polygraph.

5. Examination of the benefits and costs of establishing a centralized office to conduct background investigations for the entire Intelligence Community in order to assure uniform procedures and quality control.

6. Promote legislation to assure access for the purpose of background investigations to criminal justice records as well as education, employment, credit and medical records.

7. Resolve the inconsistency between EO 10450, the Attorney General's Domestic Security Investigations Guidelines and the Privacy Act which preclude obtaining certain information relevant to screening individuals nominated for access to SCI.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

From the foregoing it is evident that the passage of time has altered the original intent as well as the procedures which flowed from EO 10450. Court decisions, legislation and public attitudes toward protecting individuals rights to privacy and access to due process procedures have modified and inhibited the effectiveness of the EO.

The studies mentioned above have resulted in attempts to further define the sensitivity of federal civilian positions and the degree of investigative coverage needed to make determinations on eligibility to occupy such positions. Results thus far have been of little avail in moving toward a solution of these problems. Each succeeding effort toward a hoped for solution has intensified the problem rather than making it more simple and easier to administer.

The original scope of EO 10450 was limited to civilian federal employees. The first step in determining the sensitivity of the positions they were to occupy is their degree of access to classified information and material. This brings forth two questions: Why only civilian federal employees, and why not affix the degree of investigative coverage directly to the degree of access to classified information and material as defined in EO 12065. In a move toward simplification of the problems, it would be well to take the same step as was taken by the DCI with the promulgation of DCID 1/14. That is to create a criteria and standard which would apply to all civilian federal employees, the military, contractors employees and all others who are not specifically exempted. Such criteria and standard would have to address the degrees of sensitivity identified for each level of classified material: Top Secret, Secret, and Confidential and equate to each a minimum standard of investigation which would have to be accomplished with favorable results in order to grant access. The establishment of these criteria and standards for access can best be accomplished by publishing it as an annex to EO 12065 which specifically defines the levels of classification.

Having arrived at this conclusion, the task yet remains to graduate the minimum standards of investigative coverage to each level of classification. It is necessary to make the minimum standards of investigation compatible insofar as possible with budgets and personnel resources as well as with the definitions of each level of classification. The definition of each level of classification is that information the unauthorized disclosure of which reasonably could be expected to:

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

- TOP SECRET - Cause exceptionally grave damage to the national security
- SECRET - Cause serious damage to the national security
- CONFIDENTIAL - Identifiable damage to the national security.

In addition to the three levels of classification, EO 12065 also defines special access programs for which the minimum personnel security standards for access eligibility are set forth by the Director of Central Intelligence in DCID 1/14. These minimum standards and procedures would be included in the EO 12065 Annex. It would further appear appropriate to accept the first HPSCI recommendation and make the standards for access to Top Secret the same as the minimum standards for access to SCI.

The worth of the DCID 1/14 investigative requirements has been proven by the SECOM Personnel Security Survey which is an analytical study of the investigative and adjudicative procedures followed by ten departments and agencies in the Intelligence Community. It is a study of over 5,000 cases investigated by six different investigative units and adjudicated by the ten participating organizations. In addition to the more standard investigative sources, it also included analysis of utilization of polygraph examinations and personnel interviews with the subject of the investigation.

The study made an analysis of the period of coverage required to capture significant adverse information and adverse information which resulted in adjudications resolved against the person being considered for access. Briefly shown the period of coverage analysis provided the following information:

A PERIOD OF COVERAGE OF	WOULD RISK LOSING: SIGNIFICANT DATA	RESOLVED AGAINST DATA
5 YEARS	28%	22%
7 YEARS	17%	11%
10 YEARS	9%	3%
15 YEARS	4%	0%

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

The above indicates that target periods of coverage of 5, 7 or 10 years risk losing significant adverse data, including data resolved against the individual. This survey identified six cases in which a 15-year period of coverage acquired data serious enough to resolve against the individual. Put another way, data resolved against the individuals in those six cases would not have been identified with less than a 15-year period of coverage.

In the study a productivity scale was used to rank the sources that contributed to the identification of adverse information, both that which was resolved in the individuals favor as that which was resolved against the individual. With only a few minor variations when considered as a unique source versus a shared source the rank order for productivity was as follows:

	Source	Productivity Index (Resolved against data)
1.	Polygraph examination	23.48
2.	Developed Sources	2.92
3.	Subject Interview	2.62
4.	Employment Personal Interviews	1.71
5.	Police Records	1.35
6.	Employment Records	.74
7.	Credit Sources	.67
8.	Listed References	.52
9.	Educational Personal Interviews	.40
10.	Residence Checks	.39
11.	Educational Records	.02

From the above it is apparent that the minimum standards set forth in DCID 1/14 are needed to protect SCI as well as Top Secret if the definition "exceptionally grave damage to the national security" really means what it says. It is quite apparent that with the exception of CIA and NSA the very highest rated source of

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

adverse information, the polygraph examination, is not required to be used as an investigative tool by the other Departments and Agencies of the federal government.

In order to approach investigative standards for access to material classified at the Secret level it must be kept in mind that this involves very large numbers of contractors employees and military personnel. Current Secret level clearances, for other than civilian Federal employees, are usually granted on the basis of National Agency checks (NAC) only. Realizing that such a simple error as a misspelling of a name can result in no record returns from an NAC, which would result in the granting of Secret level access, it becomes evident that more is needed in the way of positive information on which to base access. It is necessary, therefore, to strike a balance between the large numbers of secret clearances and the need for positive information developed from investigative sources.

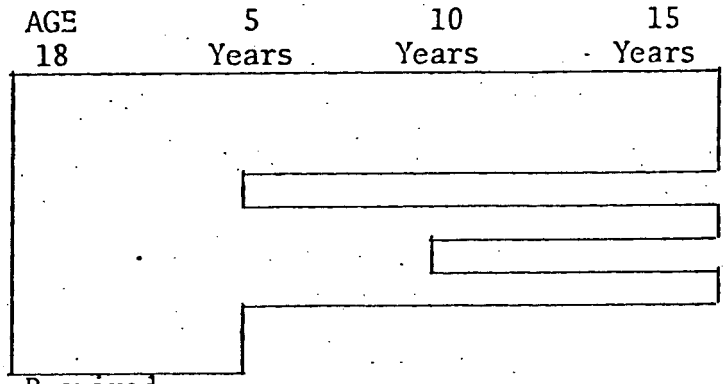
It appears essential that investigative requirements for Secret level clearances cover at a minimum the most recent three to five years of the individuals life and include a NAC (with FBI fingerprint check), review of employment records and interviews at the current or most recent significant place of employment, interviews with at least two persons knowledgeable of the individuals reputation, character and loyalty as well as a check of police records at locations of residence within the period of coverage. In the event that adverse information is developed in the course of such investigation the coverage would be expanded to develop sufficient data on which to base a sound and reasonable adjudication.

Access to classified information at the Confidential level would require a NAC (with FBI fingerprint check) and a check of police records at the current or most significant location of residence within the past five years. These inquiries would be expanded if it was necessary to resolve adverse data.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

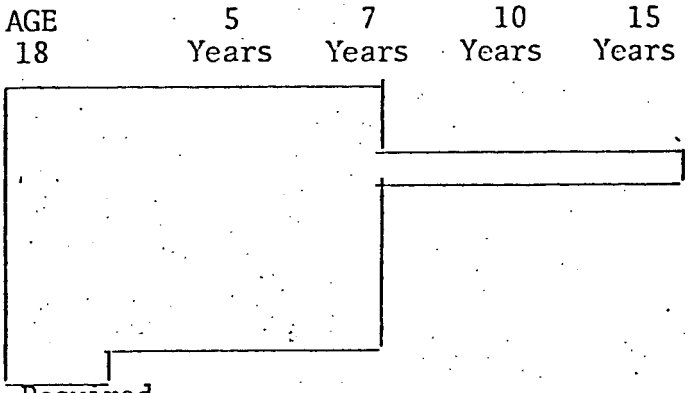
Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

DCID 1/14



Basic Period of Coverage	Required
Education - High School	Judgment
" - College	Minimum 3
" - Interviews	Optional
Employment Records	Optional
" - Interviews	Yes
Police	
Credit	
Residence	
Birth Citizenship	
Listed References	
Developed Sources	
Personal Interview	
Polygraph	
NAC	

STATE

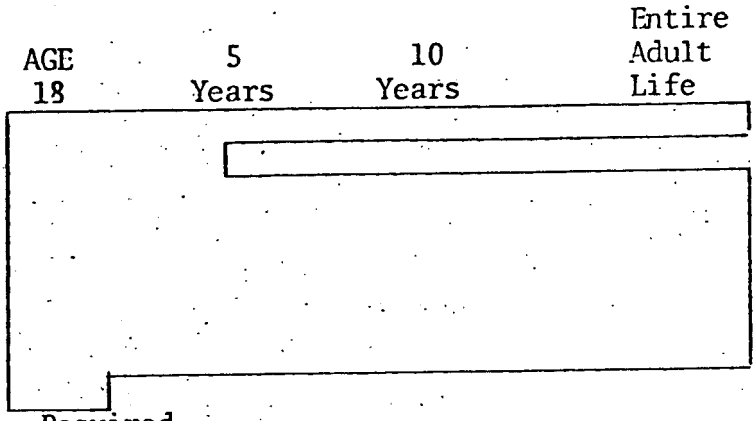


Basic Period of Coverage	Required
Education - High School	2-3
" - College	2+
" - Interviews	By Investigators
Employment Records	Not Used
" - Interviews	Yes
Police	
Credit	
Residence	
Birth & Citizenship	
Listed References	
Developed Sources	
Personal Interview	
Polygraph	
NAC	

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

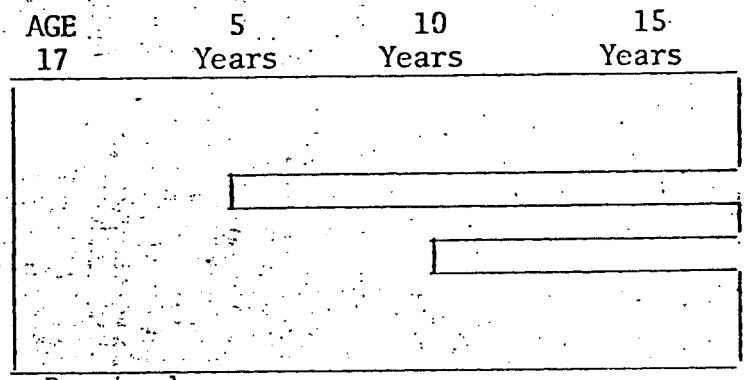
Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

FBI



Basic Period of Coverage	Required
Education - High School	All (3)
" - College	Judgment
" - Interviews	Extensively Twice
Employment Records	Used as "last resort"
" - Interviews	Yes
Police	
Credit	
Residence	
Birth & Citizenship	
Listed References	
Developed Sources	
Personal Interview	
Polygraph	
NAC	

CIA

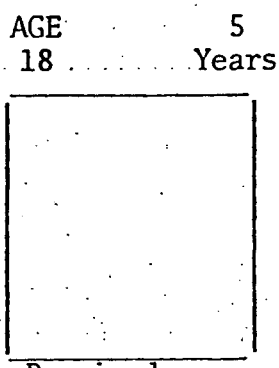


Basic Period of Coverage	Required
Education - High School	Judgment
" - College	Minimum 5
" - Interviews	Optional
Employment Records	Required
" - Interviews	Yes
Police	
Credit	
Residence	
Birth & Citizenship	
Listed References	
Developed Sources	
Personal Interviews	
Polygraph	
NAC	

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

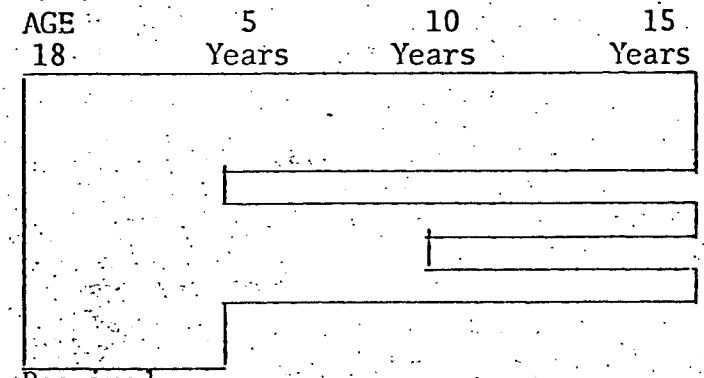
Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

DIS BI



Basic Period of Coverage	Required
Education - High School	Not Required
" - College	Not Required
" - Interviews	Minimum 3
Employment Records	Yes
" - Interviews	Not used
Police	Yes
Credit	
Birth Citizenship	
Residence	
Listed References	
Developed Sources	
Personal Interview	
Polygraph	
NAC	

DIS - SBI (DCID 1/14)



Basic Period of Coverage	Required
Education - High School	Judgment
" - College	Minimum 3
" - Interviews	Yes
Employment Records	Not used
" - Interviews	Yes
Police	
Credit	
Residence	
Birth Citizenship	
Listed References	
Developed Sources	
Personal Interview	
Polygraph	
NAC	

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

OPM

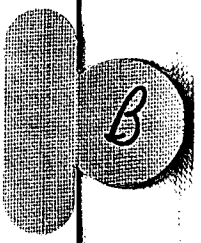
	AGE 18	5 Years	10 Years	15 Years
Basic Period of Coverage				
Education - High School				
" - College				
" - Interviews				
Employment Records				
" - Interviews				
Police				
Credit				
Residence				
Birth & Citizenship	Checked if considered necessary			
Listed References	Judgment			
Developed Sources	Judgment			
Personal Interview	For clarification of allegations			
Polygraph	Not applicable			
NAC	Yes			

TREASURY

	AGE 18	5 Years	10 Years	15 Years
Basic Period of Coverage				
Education - High School				
" - College				
" - Interviews				
Employment Records				
" - Interviews				
Police				
Credit				
Residence				
Birth & Citizenship	Checked if considered necessary			
Listed References	3			
Developed Sources	2-3			
Personal Interviews	For Investigative Personnel			
Polygraph	Used as "last resort" in DCID 1/14 Cases			
NAC	Yes - Conducted by OPM			

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0



Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

MINIMUM PERSONNEL SECURITY STANDARDS AND INVESTIGATIVE PROCEDURES GOVERNING ELIGIBILITY FOR ACCESS TO NATIONAL SECURITY INFORMATION

ANNEX TO E.O. 12065

Pursuant to Executive Order 12065, the following minimum personnel security standards and investigative procedures are hereby established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors and other individuals who require access to National Security Information (NSI) classified in accordance with section 1-1 and 4-2 of this Order. The standards and procedures established herein are minimum and the departments and agencies may establish such additional security steps as may be deemed necessary and appropriate to ensure that effective security is maintained.

PURPOSE

1. The purpose of this Annex is to enhance the security protection of NSI through the application of minimum security standards and investigative procedures.

APPLICABILITY

2. The provisions of this annex shall apply to all persons (other than elected officials of the United States Government, federal judges and those individuals specifically excepted by appropriate authority) without regard to civilian or military status, form of employment, official rank or position or length of service.

GENERAL

3. The granting of access to NSI shall be controlled under the strictest application of the "need-to-know" principle and in accordance with the personnel security standards and investigative requirements set forth in this Annex. All persons given access to NSI, as a condition of obtaining that access, shall sign an agreement that they will not disclose that information to persons not authorized to receive it.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

CRITERIA FOR ACCESS TO SPECIAL ACCESS PROGRAMS

4. Criteria and requirements for security approval of a person for access to NSI controlled under Special Access Programs as defined in section 4-2 of this Order shall comply with the provisions of the Director of Central Intelligence Directive No. 1/14.

CRITERIA FOR ACCESS TO TOP SECRET NSI

5. Criteria and investigative requirements for security approval of a person for access to Top Secret NSI are as follows:

a. The individual shall be stable, trustworthy, of excellent character and discretion and of unquestioned loyalty to the United States.

b. Except where there is a compelling need and a determination has been made by competent authority as described in paragraph 7 below that every reasonable assurance has been obtained that under the circumstances the security risk is negligible:

(1) Both the individual and the members of his or her immediate family shall be U.S. citizens. For these purposes "immediate family" is defined as including the individual's spouse, parents, brothers, sisters and children.

(2) The members of the individual's immediate family and persons to whom he is bound by affection or obligation should neither be subject to physical, mental or other forms of duress by a foreign power, nor advocate the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

6. In exceptional cases the head of a department or agency, or his designee, may determine that it is necessary or advisable in the National interest to authorize access to Top Secret NSI prior to completion of the fully prescribed investigation. In this situation such investigative checks as are immediately possible shall be made at once, and should include a personal interview by trained security or counterintelligence personnel.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Access in such cases shall be strictly controlled, and the fully prescribed investigation and final evaluation shall be completed at the earliest practicable moment.

EXCEPTIONS

7. The exceptions to paragraph 5.b(1)(2) above may be granted only by the head of a department or agency or his designee, unless such authority has been specifically delegated to the head of an office or organization as set forth in inter-departmental agreements. All exceptions granted will be common sense determinations based on all available information, and shall be recorded by the agency making the exception. In those cases in which the individual has lived outside of the United States for a substantial period of his life, a thorough assessment of the adequacy of the investigation in terms of fulfillment of the information therein must be made before an exception is considered.

INVESTIGATIVE REQUIREMENTS FOR ACCESS TO TOP SECRET NSI

8. The investigation conducted on an individual under consideration for access to Top Secret NSI will be thorough and shall be designed to develop information as to whether the individual clearly meets the above criteria.

9. The investigation shall be accomplished through record checks and personal interviews of various sources by trained investigative personnel in order to establish affirmatively to the adjudicating agency complete continuity of identity to include birth, residences, education, employments and military service. Where the circumstances of a case indicate, the investigation shall exceed the basic requirements set out below to ensure that those responsible for adjudicating access eligibility have in their possession all the relevant facts available.

10. The individual shall furnish a signed personal history statement, fingerprints of a quality acceptable to the Federal Bureau of Investigation and a signed release, as necessary, authorizing custodians of police, credit, education and medical records, to provide record information to the investigative agency. Photographs of the individual shall also be obtained where additional corroboration of identity is required.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

11. Minimum standards for the investigation are as follows:

a. Verification of date and place of birth and citizenship.

b. Check of the subversive and criminal files of the Federal Bureau of Investigation, including submission of fingerprint charts, and such other National agencies as are appropriate to the individual's background. An additional check of Immigration and Naturalization Service records shall be conducted on those members of the individual's immediate family who are United States citizens other than by birth or who are resident aliens.

c. A check of appropriate police records covering all areas where the individual has resided in the U.S. throughout the most recent fifteen (15) years or since age eighteen, whichever is the shorter period.

d. Verification of the individual's financial status and credit habits through checks of appropriate credit institutions and interviews with knowledgeable sources covering the most recent five (5) years.

e. Interviews with neighbors in the vicinity of all the individual's residences in excess of six (6) months throughout the most recent five (5) year period. This coverage shall be expanded where the investigation suggests the existence of some questionable behavioral pattern.

f. Confirmation of all employment during the past fifteen (15) years or since age eighteen, whichever is the shorter period but in any event the most recent two years. Personal interviews with supervisors and co-workers at places of employment covering the past ten (10) years shall be accomplished.

g. Verification of attendance at institutes of higher learning in all instances and at the last secondary school attended within the past fifteen (15) years. Attendance at secondary schools may be verified through qualified collateral sources. If attendance at educational institutions occurred within the most recent five (5) years, personal interviews with faculty members or other persons who were acquainted with the individual during his attendance shall be accomplished.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

h. Review of appropriate military records.

i. Interviews with a sufficient number of knowledgeable acquaintances (a minimum of three developed during the course of the investigation) as necessary to provide a continuity to the extent practicable, of the individual's activities and behavioral patterns over the past fifteen years with particular emphasis on the most recent five years.

j. When employment, education or residence has occurred overseas (except for periods of less than five (5) years for personnel on U.S. Government assignment and less than ninety days for other purposes) during the past fifteen years or since age eighteen, a check of the records will be made at the Department of State and other appropriate agencies. Efforts shall be made to develop sources, generally in the United States, who knew the individual overseas in order to cover significant employment, education or residence and to attempt to determine if any lasting foreign contacts or connections were established during this period. However, in all cases where an individual has worked or lived outside of the U.S. continuously for over five years, the investigation will be expanded to cover fully this period in his life through the use of such investigative assets and checks of record sources as may be available to the U.S. Government in the foreign country(ies) in which the individual resided.

k. In those instances in which the individual has immediate family members or other persons with whom he is bonded by affection or obligation in any of the situations described in subparagraph 5.b.(2), above, the investigation will include an interview of the individual by trained security, investigative or counterintelligence personnel to ascertain the facts as they may relate to the individual's access eligibility.

l. In all cases, the individual's spouse shall, at a minimum, be checked through the subversive files of the Federal Bureau of Investigation and other National agencies as appropriate. When conditions indicate, additional investigation shall be conducted on the spouse of the

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

individual and members of the immediate family to the extent necessary to permit a determination by the adjudicating agency that the provisions of paragraph 5, Personnel Security Standards, above, are met.

m. A personal interview of the individual will be conducted by trained security, investigative or counter-intelligence personnel when necessary to resolve any significant adverse information and/or inconsistencies developed during the investigation.

12. Where a previous investigation has been conducted within the past five years which substantially meets the above minimum standards, it may serve as a basis for granting access approval provided a review of the personnel and security files does not reveal substantive changes in the individual's security eligibility. If a previous investigation does not substantially meet the minimum standards or if it is more than five years old, a current investigation shall be required but may be limited to that necessary to bring the individual's file up-to-date in accordance with the investigative requirements set forth in paragraph 11 above. Should new information be developed during the current investigation which bears unfavorably upon the individual's activities covered by the previous investigation, the current inquiries shall be expanded as necessary to develop full details of this new information.

13. Programs shall be instituted requiring the periodic reinvestigation of personnel provided access to Top Secret NSI. These reinvestigations will be conducted on a five year recurrent basis, but on a more frequent basis where the individual has shown some questionable behavioral pattern, his activities are otherwise suspect.

14. The scope of reinvestigations shall include as a minimum, appropriate National agency checks, local agency (including overseas checks where appropriate), credit checks and a personal discussion with the individual by trained investigative, security or counterintelligence personnel when necessary to resolve significant adverse information or inconsistencies.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

15. The evaluation of the information developed by investigation on an individual's loyalty and suitability shall be accomplished under the cognizance of the head of the department or agency (or a designee) concerned by analysts of broad knowledge, good judgment and wide experience in personnel security and/or counterintelligence. When all other information developed on an individual is favorable, a minor investigative requirement which has not been met should not preclude favorable adjudication. In all evaluations the protection of Top Secret NSI shall be resolved in favor of the national security. The ultimate determination of whether the granting of access is clearly consistent with the interests of national security shall be an overall common sense determination based on all available information.

CRITERIA FOR ACCESS TO SECRET AND CONFIDENTIAL NSI

16. The criteria, and provisions for exceptions to that criteria, for access to Secret and Confidential NSI shall be the same as expressed in paragraphs 5, 6 and 7 above.

17. The investigation conducted on an individual being considered for access to Secret NSI shall meet the following minimum requirements:

a. Verification of date and place of birth if there is reason to question information provided by the individual being investigated, or of the individual's citizenship through Immigration and Naturalization records if that individual was foreign born.

b. Check of the subversive and criminal files of the Federal Bureau of Investigation, including submission of fingerprint charts, and such other National agencies as are appropriate to the individual's background. An additional check of Immigration and Naturalization Service records shall be conducted on those members of the individual's immediate family who are United States citizens other than by birth or who are resident aliens.

c. A check of appropriate police records covering all areas where the individual has resided in the United States during the most recent 5 year period.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

d. Confirmation of the current or most significant employment (or education in the event that the individual has been a student) during the most recent 3 to 5 year period to include personal interviews with supervisors or co-workers (or in the case of a student, teachers or fellow students).

e. Interviews with a minimum of two knowledgeable acquaintances to provide to the extent practicable information concerning the individual's activities and behavioral patterns with particular emphasis on the most recent five years.

f. Review of appropriate military records.

g. A personal interview of the individual will be conducted by trained security, investigative or counter-intelligence personnel when necessary to resolve any significant adverse information and/or inconsistencies developed during the investigation.

18. The individual shall furnish a signed personal history statement, fingerprints of a quality acceptable to the Federal Bureau of Investigation and a signed release, as necessary, authorizing custodians of police, credit, education and medical records, to provide record information to the investigative agency. Photographs of the individual shall also be obtained where additional corroboration of identity is required.

INVESTIGATIVE REQUIREMENTS FOR ACCESS TO CONFIDENTIAL NSI

19. The investigation conducted on an individual being considered for access to Confidential NSI shall meet the following minimum requirements:

a. Check of the subversive and criminal files of the Federal Bureau of Investigation, including submission of fingerprint charts, and such other National agencies as are appropriate to the individual's background. An additional check of Immigration and Naturalization Service records shall be conducted on those members of the individual's immediate family who are United States citizens other than by birth or who are resident aliens.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

b. A review of appropriate military records.

c. A check of police records covering the current or most significant areas where the individual has resided in the United States during the most recent five (5) year period.

20. The individual shall furnish a signed personal history statement, fingerprints of a quality acceptable to the Federal Bureau of Investigation and a signed release, as necessary, authorizing custodians of police, credit, education and medical records to provide record information to the investigative agency. Photographs of the individual shall also be obtained where additional corroboration of identity is required.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

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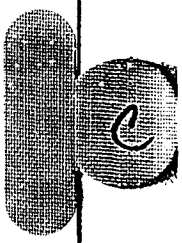

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Executive Order to Replace E.O. 10450

WHEREAS the national interests require that all persons privileged to be employed in the Federal Government shall be trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the Federal Government be adjudged by consistent and uniform standards which comport with the individual's right of privacy;

Now, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 1101 et seg., 1304, 3301, 3333, 7301, 7311, and 7501 et seq. of Title 5 U.S.C., the National Security Act of 1947 (50 U.S.C. 401 et seq.), and the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), and as President of the United States, and deeming such action necessary in the national interest and in order to protect the rights of citizens seeking employment or employed by the United States, it is hereby ordered as follows:

Section 1. Revocation of E.O. 10450. This order shall become effective 180 days after the date hereof; Executive Order 10450 of April 27, 1953, as amended, is then revoked, except that determinations made under E.O. 10450 will not have to be re-adjudicated.

Section 2. Purpose of the Order. The purpose of this Order is to: establish uniform standards for classifying positions as to their sensitivity; define the types of investigation conducted for making hiring, retention or access determinations under this Order; delineate the authority and responsibilities of the departments and agencies in the implementation of this Order; and establish effective oversight to assure that department and agency implementation of the policies set forth herein is consistent with the interests of the nation and the constitutional and civil rights of the individuals concerned.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

To insure consistent application of the standards and procedures contained herein, there shall be established a uniform Federal Personnel Security Program operating under the policies and procedures developed by the Office of Personnel Management and the Department of Justice.

Section 3. Applicability. In addition to the departments and agencies specified in the Act of August 26, 1950, Executive Order 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government. The provisions of this Order shall apply to all executive branch agencies including any executive department, agency, or independent establishment of the United States or any corporation wholly owned by the United States, the United States Postal Service, Postal Rate Commission, and competitive service positions in the legislative branch. All other legislative and judicial branch organizations may, upon request, utilize the investigative services provided by this Order.

This Order shall not apply to the Director of Central Intelligence or the organizations constituting the Intelligence Community as defined by Executive Order 12036, except the Director of Central Intelligence shall prescribe standards for access to sensitive compartmented inforamtion.

Section 4. Standard for Personnel Security. The appointment or retention of each civilian officer or employee in any department or agency is contingent upon the meeting of the following standard:

The personnel security standard shall be whether or not in the interest of the United States the employment or retention in employment of the individual is advisable.

In applying this standard a balanced judgment shall be reached after giving due weight to all the evidence, both favorable and unfavorable, the nature of the position, the mission of the agency, and the value of the individual to the public service.

Section 5. Sensitivity of Positions. Each department or agency shall classify each position as either sensitive or non-sensitive.

(a) The criteria to be applied by the heads of the departments or agencies in designating a position as sensitive are:

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

(1) Access to information classified as Secret or Top Secret under Executive Order 12065.

(2) Duties involved in the conduct of foreign affairs;

(3) Development or approval of plans, policies or programs which affect the overall operations of a department, agency or organizational component; that is policy-making or policy-determining positions;

(4) Investigative duties, the issuance of personnel security clearances, or the making of personnel security determinations;

(5) Duties involved in approving the collection, grant, loan, payment or other use of property or funds of high value, or other duties demanding the highest degree of public trust and confidence;

(6) Duties involved in the enforcement of laws, or responsibilities for the protection of individuals or property;

(7) Duties, whether performed by Federal employees or contractors, involved in the design, operation or maintenance of Federal computer systems, or access to data contained in manual or automated files and records or Federal computer systems, when such data relates to national security, personal, proprietary or economically valuable information, or when the duties or data relate to distribution of funds, requisition of supplies or similar functions; or

(8) Duties involved in or access to areas which have a critical impact on the national security, economic well-being of the nation, or public health or safety.

(b) All other positions shall be designated as nonsensitive.

Section 6. Personnel Security Investigations.

(a) General - The appointment of each civilian officer or employee in any department or agency shall be made subject to an investigation conducted for the purpose of developing information relevant to determining whether such appointment is in conformance with the standard specified in Section 4 of this Order. The information to be obtained shall relate to the character, reputation, and loyalty of the individual under investigation.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

The scope of the investigation shall be determined in the first instance according to the sensitivity of the position, but in no event shall the investigation include less than a National Agency Check, as defined by the Office of Personnel Management except that, upon the request of the head of the department or agency concerned, the Office of Personnel Management may, in its discretion, authorize a lesser investigation with respect to per diem, intermittent, temporary or seasonal employees, or aliens employed outside the United States.

(1) Sensitive Positions. The investigation to be conducted for persons who are to occupy sensitive positions shall be conducted prior to appointment, or before the individual assumes the duties of the position. The scope of the investigation shall be determined, first, if access to classified information is involved (Section 5.(a).(1)) by the scope prescribed in the Annex to E.O. 12065; and secondly, in all other instances defined in Section 5.(a), the scope of the investigation shall consist of no less than a full field investigation, as defined by the Office of Personnel Management.

(i) In case of an emergency, a sensitive position may be filled by a person from whom the required investigation has not been completed if the head of the department, agency, or major organizational component involved, or a designee who is directly responsible to such authority, finds that such an assignment is not contrary to the national interest.

(2) Nonsensitive Positions. The investigation to be conducted for persons who occupy nonsensitive positions shall consist of no less than a National Agency Check.

(a) If the duties of the position require access to information classified as Confidential under Executive Order 12065, or the position is classified at Grade GS-9 or above, or an equivalent rank, the investigation shall consist of a National Agency Check and written inquiries to local law enforcement agencies, educational institutions, former employers, supervisors and references. The investigation may be conducted after appointment, but before access clearance is granted. The investigation for positions classified at GS-8 or below and not requiring access shall consist of a National Agency Check conducted after appointment.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

(b) Investigative Responsibility. The investigation of persons entering or employed in the Federal service, including experts and consultants however employed, shall be the responsibility of the Office of Personnel Management, except in cases in which the head of a department or agency assumes that responsibility pursuant to law, or by agreement with the Office of Personnel Management.

(c) Referral of Cases to the Federal Bureau of Investigation. Whenever, during the conduct of the investigation, information is developed which indicates that an individual may have acted or been coerced, influenced or pressured to act in a manner contrary to the national interests, the case shall be referred promptly to the Federal Bureau of Investigation under guidelines promulgated by the Attorney General.

Section 7. Due Process. No person may be denied eligibility for appointment, denied appointment in the Federal service, denied a clearance suspended or removed from a position in the Federal service by any department or agency for failure to meet the standard set forth in Section 4 of this Order without being advised of the reasons therefore and given opportunity to respond; any such action, either proposed or approved, shall be taken in accord with applicable law and regulation.

Section 8. Determinations Related to National Security. The reinstatement, restoration to duty or re-employment of an individual suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the Act of August 26, 1950 (5 U.S.C. 7531 et seq.), or pursuant to Executive Order 9835, Executive Order 10450, or any other security or loyalty program relating to officers or employees of the Government, shall be in accordance with the provisions of the said Act.

Section 9. Review of Unfavorable or Questionable Information Arising Subsequent to Favorable Determination. Whenever there is developed or received by any department or agency information indicating that the retention of any civilian officer or employee in the Federal service may not be in the best interests of the Government, such information shall be forwarded to the head of the department or agency concerned, or to a designee, who, after such investigation as may be appropriate, shall review or cause to be reviewed the unfavorable or questionable information, and determine whether the retention of the person concerned is consistent with the standard set forth in Section 4 of this Order.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Section 10. Program Implementation and Management.

(a) General Policy Oversight. The National Security Council shall exercise oversight over the Office of Personnel Management and the Department of Justice in the operation of the Federal Personnel Security Program.

(b) Office of Personnel Management. The Office of Personnel Management shall:

(1) issue, within 90 days of the date of this Order, a program directive which will prescribe:

(i) criteria to be used in making a determination under the standard set forth in Section 4 of this Order;

(ii) the scope of investigations conducted under this Order;

(iii) instructions related to the protection of the individual's rights;

(iv) guidelines with respect to the updating of investigation;

(v) minimum standards for the selection and training of program personnel; and

(vi) instructions dealing with the use, control, release, maintenance and disposal of investigative reports.

(2) furnish investigative support, upon request, to the legislative and judicial branches of the Government, and to all other Federal Government entities electing to be subject to the provisions of this Order;

(3) establish and maintain a security-investigation index, covering all persons as to whom personnel security investigations have been conducted under this Order, whether by the Office of Personnel Management or any department or agency of the Executive Branch. The index shall contain the name of each person investigated, adequate identifying data concerning such person, identification of the department or agency which has conducted

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

an investigation concerning the person, or has suspended or terminated the employment of such person under the authority granted to the heads of departments and agencies by or in accordance with the Act of August 26, 1950. The Security-Investigations Index established and maintained by the Office of Personnel Management under Executive Order 10450 of April 27, 1953, shall be made a part of this Index;

(4) develop and prescribe standard forms to be used to implement the program;

(5) establish a clearing house for program management information;

(6) develop and prescribe statistical reporting procedures designed to facilitate analysis of the effectiveness of the Order; and

(7) evaluate the manner in which the Order is being implemented throughout the Federal Government, prescribe corrective action or modification to the heads of departments or agencies concerning deficiencies noted, and submit to the National Security Council an annual report detailing the Office of Personnel Management's appraisal findings and the extent of department and agency compliance.

(c) Department of Justice. The Department of Justice shall:

(1) Issue, within 90 days of the date of this Order, a program directive which will prescribe:

(i) guidelines for the referral of cases to the Federal Bureau of Investigation, as provided for in Section 6(b) of this Order, and establish the criteria for the use of the information developed by these investigations in the adjudication of such cases:

(ii) guidelines with respect to the use of the polygraph, voice analyzer, or other similar technical equipment for employment screening and in the conduct of personnel investigations;

(2) provide assistance and advice to the heads of departments and agencies regarding the implementation of this Order with respect to actions taken for reasons of national security against applicants and employees.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0

(d) Departments and Agencies. The departments and agencies, or the heads thereof, shall:

(1) issue, within 90 days of the date of the directives cited in subsection (b)(1) and subsection (c)(1) of this Section, appropriate regulations implementing the policies and procedures of this Order;

(2) implement the program directives, policies and procedures prescribed by the Office of Personnel Management and the Department of Justice;

(3) establish a central personnel security office, responsible for adjudicating cases, granting access clearance and maintaining program records as prescribed by the Office of Personnel Management;

(4) furnish to the Office of Personnel Management information appropriate for the maintenance of the security-investigations index; and

(5) implement any corrective action or modification prescribed by the Office of Personnel Management with respect to the program appraisal responsibility.

Approved For Release 2009/01/27 : CIA-RDP96M01138R000400010050-0